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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/113,770 07/10/98 TIEDEMANN

E QCPA577

023696
Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego CA 92121-1714

WM02/1220

EXAMINER

LIU, S

ART UNIT

PAPER NUMBER

2634

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.
09/113,770

Applicant(s)
Tiedemann Jr.

Examiner
Shuwang Liu

Group Art Unit
2634



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to by the Draftsperson as indicated in FORM PTO 948. .
Appropriate correction is required.

Claim Objections

2. Claims 1 and 11 are objected to because of the following informalities:
line 5 of claim 1, change "mean" to -- means --;
line 6 of claim 1, insert a space between " modulated" and "data";
line 3 of claim 11, delete "and"; and
line 4 of claim 11, insert --and-- after "upconverter."
Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 3-4, 6-7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (Patent Number 5649000).

As shown in figure 2, Lee et al. discloses an apparatus for transmitting spread spectrum data, comprising:

(1) regarding claims 1 and 7:

a spread spectrum modulator (50) for receiving data and for modulating the received data in according with a spread spectrum modulation format (column 6, lines 16-24); and

at least one upconverter (46) for receiving the modulated data and for upconverting the modulated data for transmission at a frequency determined in accordance with a selection signal (column 6, lines 20-23, column 6, lines 26-36, and column 9, lines 1-67);

(2) regarding claims 3 and 9:

wherein, the modulation means modulates the received data in according with a code channel selection signal (preposition code) (column 6, lines 16-24, column 9, lines 57-67, and figure 3).

(3) regarding claim 4:

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wherein the selection signal is determined in accordance with a predetermined deterministic function (predetermined frequency) (column 6, line 59- column 7, line 7; and column 9, lines 57-67).

(4) regarding claim 6:

wherein the code selection signal is determined in accordance with a predetermined deterministic function (frequency preposition code) (figure 3, column 9, lines 1-67).

5. Claims 1-2, 5, and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Honkashalo et al. (Patent Number 6064663).

As shown in figures 3 and 5, Honkashalo et al. discloses an apparatus for transmitting spread spectrum data, comprising:

a spread spectrum modulator (312) for receiving data and for modulating the received data in according with a spread spectrum modulation format; and

at least one upconverter (328, 338, and 346) for receiving the modulated data and for upconverting the modulated data for transmission at a frequency determined in accordance with a selection signal by 328. Furthermore, the selection signal is determined in accordance with a subset of bits from the received data (column 22, line 66- column 23, line 35)

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Gitlin et al. (Patent Number 5649000).

As shown in figure 4, Gitlin et al. discloses a method for transmitting data including the steps of:

encoding data (401);

channelizing the encoded data (403 and 422);

scrambling the channelized encoded data (404, 424, ... 444); and

modulating (408 and 409) the scrambled channelized encoded data with a local oscillator ($\sin\omega_c t$) operating at a frequency that change in accordance with a predetermined pattern (ω_c) (column 7, line 65-column 8, line 23)..

8. Claims 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Natali (Patent Number 5623487).

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As shown in figure 2, Natali discloses an apparatus for transmitting spread spectrum data, comprising:

a spread spectrum modulator (12);

at least one upconverter (20); and

at least one local oscillator (19), each local oscillator having an output, coupled to the modulator (12), the output of the upconverter changing carrier frequency in accordance with a predetermined pattern from CT (column 3, lines 42-46).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuwang Liu whose telephone number is (703) 308-9556. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin, can be reached on (703) 305-4714.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label


"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Shuwang Liu

Shuwang Liu

December 13, 2000


STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600